

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #16	CCRB Case #: 201600770	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/03/2016 9:15 PM	Location of Incident: Sedgwick Avenue and Hall of Fame Terrace	Precinct: 52	18 Mo. SOL 8/3/2017	EO SOL 8/3/2017	
Date/Time CV Reported Wed, 02/03/2016 9:32 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 02/03/2016 9:32 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Belinda Delgado	4339	934740	GANG BX
2. DT3 Victor Pagan	4412	946526	GANG BX
3. POM Victor Charles	06096	941538	GANG BX

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Belinda Delgado	Abuse: Detective Belinda Delgado stopped § 87(2)(b)	
B.DT3 Victor Pagan	Abuse: Detective Victor Pagan stopped § 87(2)(b)	
C.POM Victor Charles	Abuse: Police Officer Victor Charles stopped § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

On February 3, 2016, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On February 3, 2016, at approximately 9:15 p.m., § 87(2)(b) and § 87(2)(b) her husband, were sitting in § 87(2)(b)'s vehicle parked in the vicinity of Sedgwick Avenue and Hall of Fame Terrace, in the Bronx, an unmarked police vehicle approached them. Detective Belinda Delgado, Detective Victor Pagan, and Officer Victor Charles stopped § 87(2)(b) and requested her license and vehicle documents (**Allegation A, Allegation B, and Allegation C**). After reviewing the documents, Det. Delgado returned them to § 87(2)(b). The officers left the location without issuing a summons or making any arrests.

§ 87(2)(g), § 87(4-b)

This case contains no video evidence.

This case exceeded the 90-day benchmark due to a 121-day delay in receiving NYPD documents that were needed to identify the officers.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation during her CCRB interview.
- On August 8, 2016, a Notice of Claim query was sent to the NYC Comptroller's Office via email (Board Review 16). To date, the results are pending.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b) and § 87(2)(b) were both involved in a prior CCRB complaint together (Board Review 17 and 18). § 87(2)(b)
 - Det. Delgado has been a member of the NYPD for 12 years and has had three prior CCRB allegations pleaded against her in one case; none of her previous allegations were substantiated. § 87(2)(g)
 - Det. Pagan has been a member of the NYPD for 8 years and has had five CCRB allegations pleaded against him in two cases. In case #201307815, a frisk was substantiated and the Board recommended charges. To date, the NYPD's disposition is still pending. § 87(2)(g)
 - Det. Charles has been a member of the NYPD for 10 years and has had 17 CCRB allegations pleaded against him in 8 cases. § 87(2)(g), § 87(4-b)
- Moreover, in case #201501048, an allegation of force was substantiated against him and the Board recommended charges. To date, the NYPD's disposition is still pending.

Findings and Recommendations

Explanation of Subject Officer Identification

- During § 87(2)(b)'s statements to the CCRB, she indicated that the unmarked vehicle bore the license plate number "§ 87(2)(f)," and provided a contemporaneous text memorializing this number as "§ 87(2)(f)" (Board Review 27). Queries of DMV revealed that a vehicle with license plate number § 87(2)(b) was registered to a rental company "§ 87(2)(b)," which is known to be a company from which the NYPD frequently rents vehicles (Board Review 24). A Fleet Service check of plate number § 87(2)(e) indicated that the vehicle was assigned to Bronx Gang Squad (Board Review 25). The Bronx Gang Squad vehicle utilization log for the vehicle with plate number § 87(2)(f) indicated that the vehicle was assigned to Det. Delgado (Board Review 28). The Movement Sheet indicated that Det. Delgado, Det. Pagan, and PO Charles were working together doing enforcement in the 44th and 46th Precincts (Board Review 13). Det. Delgado and Det. Pagan both stated in their CCRB testimonies that PO Charles was working with them and that he was present during this incident (Board Review 03 and 04). § 87(2)(g)

Allegation A –Abuse of Authority: Detective Belinda Delgado stopped § 87(2)(b)

Allegation B –Abuse of Authority: Detective Victor Pagan stopped § 87(2)(b)

Allegation C –Abuse of Authority: Police Officer Victor Charles stopped § 87(2)(b)

It is undisputed that officers stopped the parked vehicle in which § 87(2)(b) and § 87(2)(b) were passengers. It is also undisputed that the officers solely interacted with § 87(2)(b).

§ 87(2)(b) stated that she pulled her car into a legal parking spot on Sedgwick Avenue 1 ½ to 2 minutes after leaving Bronx Community College (Board Review 01). § 87(2)(b) stated her vehicle was still running and the lights were on. § 87(2)(b) denied violating any traffic or vehicular infractions. § 87(2)(b) stated that she and § 87(2)(b) were searching for information and directions on their cellphones while seated inside the vehicle. As they used their phones, Det. Delgado approached the driver side of the vehicle and asked § 87(2)(b) for her license and vehicle's documents while Det. Pagan stood on the front passenger side of the vehicle where § 87(2)(b) was seated. Det. Delgado did not tell them the reason for the stop and recalled Det. Delgado mentioning that there were car thefts and/or break-ins in the area (Board Review 01 and 02).

§ 87(2)(b) testimony corroborated with § 87(2)(b)'s account of this incident (Board Review 02).

Det. Delgado stated that she did not observe any crimes being committed nor observe any violations prior to stopping the occupants of the vehicle (Board Review 03). She was the driver of the unmarked vehicle at the time of the incident. Additionally, during her CCRB interview, she initially denied suspecting the occupants of any criminal activity, but she later stated that she suspected the vehicle was stolen because that was the crime that primarily occurs at the location. Det. Delgado stated that she had knowledge of people abandoning cars after having been stolen and stated that she routinely conducted research prior to going out on patrol. Det. Delgado stated

that her attention was drawn to this vehicle because it was the only vehicle present at the location which was described as a darkly lit street. She did not recall if the vehicle was parked in a legal parking spot. She denied making any observations that was consistent with a vehicle that had been stolen or broken-into. Det. Delgado's purpose for approaching the vehicle was to inquire whether the vehicle occupants were alright and to ask what was going on. When Det. Delgado approached the vehicle, she asked § 87(2)(b) for her identification to ensure that she had a valid license to operate the vehicle and that the vehicle belonged to her. § 87(2)(b) presented her identification and vehicle registration to Det. Delgado and she verified that the documents matched the vehicle. Det. Delgado denied asking § 87(2)(b) what she was doing and did not establish why she was parked at the location.

Det. Pagan corroborated Det. Delgado's testimony in regards to known crimes at the location. Det. Pagan stated that Det. Delgado initially informed him of her observation that there were two people inside a car (Board Review 04). Det. Pagan denied having any additional discussions in regards to the vehicle. Det. Pagan did not recall if there were additional vehicles parked on the street and did not know whether § 87(2)(b)'s vehicle was parked in a legal parking spot. Det. Pagan stated that he was only able to see shadow movements inside the vehicle and could not describe what the occupants were doing. Det. Pagan denied observing any crimes committed or any vehicular infractions. When asked if he suspected any crimes when they approached, he stated that they were conducting an investigation to see what the two individuals were doing at the location and that he does not make assumptions until the investigation is done. Moreover, he approached the vehicle based on his observation of the two occupants inside a vehicle parked in a darkly lit area. Det. Pagan did not have any interactions with the occupants and stood on the passenger side with PO Charles. Det. Pagan was later informed by Det. Delgado that their documents were valid.

PO Charles did not have an independent recollection of this incident (Board Review 05). He did not have any knowledge of the intersection of Sedgwick Avenue and Hall of Fame Terrace, but he stated that the area behind the Bronx Community College was a high crime area where people abandoned stole cars.

A vehicle stop is reasonable when an officer has probable cause that a traffic violation has occurred, People v. Robinson, 97 N.Y.S.2d 341 (2001) (Board Review 22). An officer must have reasonable suspicion to believe that a person has committed, is committing, or is about to commit a crime in order to stop that person, People v. Debour, 40 N.Y.2d 201 (1976) (Board Review 26).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g) [Redacted]
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§ 87(2)(g) [Redacted]
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§ 87(2)(g), § 87(4-b) [Redacted]
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Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date